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(Original)

2008 FEB 21 The Community Notification Act,

Versus Constitutional Law

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

"Special Relationships"

"I am a Citizen of This Nation." As a kid I stood up and placed my hand on my breast and said the Pledge of Allegiance just like all the other kids did. And when I die I want to be buried in America, right out there in Buhl, Alabama where my ancestors are buried. Having said...

Because of a crime I committed 21 years ago - a mistake I made while high on alcohol, cocaine, and marijuana - I am depicted by the Community Notification Act, hereinafter CNA, as someone who is Mentally Ill, and because of such, dangerous to society. And the "Order of Conditions" attached to CNA Legislation affect where I can live, where I am allowed to work, who I am allowed to associate with extending to family, this thing even invades and affects to some extent my attendance at religious services. "With Liberty and Justice For All". The point being, regardless of the crime I committed 21 years ago - the mistake I made 21 years ago - you cannot hate me to the extent that I am excluded from the protections that the Rock upon which this Nation was created extends to "All." So, here is what we have,...

"A special relationship exists when the state by an affirmative exercise of its power so restrains an individual's liberty that it renders him unable to care for himself." Deshaney vs. Winnebago Soc. Servs. 103 L. Ed 2d (Supreme Court).

I am currently in prison with an anticipated release date of

2.

6-2-08. Two separate times in the last 10 days I have been called to the classification offices here and asked to complete a sex-offender worksheet. Specifically to provide the actual address at which I will live or reside upon release. I have not lived in Alabama since 1996. I have no friends I can impose upon, no family, and as the State is well aware, no money. I have made it "Abundantly Clear" that I have a "Complete Inability" to comply with this "Order of Conditions" imposed by CNA Legislation. And...

On April 18th of this year 2008 the State of Alabama will begin the process of initiating criminal charges against me because of this "Inability." What am I up against,...

The way telephone use is set up here in the Alabama Dept. of Corrections is on a collect call basis only. In other words I cannot call out unless it is collect and then I have to submit a list of numbers to the administration for approval, and this is contingent upon my even being able to obtain one of these lists. You would have to experience it firsthand to appreciate the extent... And even though I know I have no possible way to comply, I have been hoping that I could at least have access to a phonebook for the Tuscaloosa area and unrestricted access to a phone so that I could try... at least try.

The policy of this administration is no phonebooks and no ~~unrestricted~~ unrestricted phone use. I have verification of this from a Mr. Crum, a classification officer here at this prison.

"Stated more broadly, the rationale for imposing these special relationships lies in constraints the state imposes on private action." Widerman vs. Shallowford Community Hosp. Inc. 826 F.2d 1030 (11th Cir.).

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Let me say this again. I have no money, no family, no friends, and hence a "Complete Inability" to comply with this "Order of Conditions" imposed by C.N.A. 21 years after the fact. And look at the total absurdity of this situation. The State will not release me from confinement to attempt to obtain the horrendously limited employment the "Conditions of C.N.A." allows so that I might earn the money to establish a residence, but yet, "Even In The Face Of Full Knowledge of my Inability," demands that I do so to avoid further criminal charges. Pretty absurd isn't it.

*** The Constitution of The United States of America, of which I Am A Citizen, stands between me and this type of abuse of governmental power.

"In the substantive due process analysis, it is the State's affirmative act of ~~restraining~~ restraining the individual's freedom to act on his own behalf-through incarceration, institutionalization, or other similar restraint on personal liberty-which is the "deprivation of liberty" triggering the protections of the due process clause...," DeShaney vs. Winnebago Soc. Serv. 103 L.Ed 2d (Supreme Court).

"Stated more broadly, the rationale for imposing these special relationships lies in constraints the state imposes on private action."

Following this rationale a constitutional duty can arise only when a state or municipality, by exercising a significant degree of control over an individual, places that person in a worse situation than he would have been had the government not acted at all. Such a situation could arise by virtue of a state's affirmatively placing an individual in a position of danger, effectively stripping a person of her ability to defend herself, or cutting off potential sources of private aid.

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The key concept is the exercise of dominion or restraint by the state. The state must somehow significantly limit an individual's freedom or impair his ability to act on his own behalf before it can be constitutionally required to care and provide for that person." Wideman vs. Shallowford Community Hosp. Inc. 826 F.2d 1030 (11th Circuit).

You cannot, either through action or inaction, put me in a situation to where it is unavoidable that I commit a crime. You cannot, through use of your power to restrain, force me to commit a crime. You cannot, through use of your power to restrain, stack the deck so that I have no way to defend myself when it comes to a jury trial. And you cannot squeeze blood from a turnip. You won't allow me access to a phonebook, no unrestricted phone use, no state run halfway houses which are immune from the state promoted publicity surrounding this issue. No grace period to allow me to attempt to comply with this "Condition of CNA."

You are throwing me in a snakepit and you have "Absolute Knowledge of This Fact." I am in prison - In state custody. And again,...

The Constitution of The United States of America - though you might not like it - stands between me and this type of abuse of governmental power.

Sincerely, Roy Lee McAteer
Citizen of The United States

5.

Copied Governor Bob Riley - 600 Dexter Ave. Mont., Al.
 Copied Jim Folsom 725 State House 11 So. Union St. Mont., Al.
 Copied Lowell R. Barrow " "
 Copied Zeb Little " "
 Copied J.T. Wagner " "
 Copied Al. Dept of Public Safety 301 So. Ripley St. Mont. Al.
 Copied Troy King Office of Att. General 11 So. Union St. Mont., Al.
 Copied Commissioner Richard Allen 301 So. Ripley St. Mont., Al.
 Copied Warden Cheryl Price Bibb Co. Corr. Facility
 Copied Montgomery Advertiser
 Copied Mobile Register
 Copied Birmingham Herald
 Copied Tuscaloosa News
 Copied American Civil Liberties Union.

I swear and affirm that the foregoing is true and correct. Submitted this 17th day of February, 2008

Ray Allen
Affiant

Debra Wine
Notary Public

My Commission Expires 9-1-2010

No one is Above The Law - and the obverse - No one is Below the Law Either.